# Ohio's Alternate Assessment Participation Decision-Making Tool Frequently Asked Questions

**Background**

To guide and support individualized education program (IEP) teams in determining whether a student is most appropriately assessed with an alternate assessment, the Ohio Department of Education, in consultation with parents, teachers, administrators and other stakeholders, developed an Alternate Assessment Participation Decision-Making Tool. The Department received many questions and comments about the decision-making tool from stakeholders during this process. This supplement to the decision-making tool was created to address those questions and concerns.

Each section in this document aligns with the same section of the decision-making tool. Part A of this document covers Part A of the decision-making tool, Part B of this document covers Part B of the tool, etc. This document also includes a section on general questions about the decision-making tool at the end.

**Part A – Initial Eligibility**

1. **Question 1 asks, "Does the student have a current Individualized Education Program (IEP)?" If the IEP team is considering participation for the student as part of the initial IEP, does that count as current?**

   Yes. If this is the student's initial IEP or the IEP is being reviewed, the team should consider the student to have a current IEP for the purposes of alternate assessment participation decision-making.

2. **What is a significant cognitive disability?**

   Significant cognitive disability is not a disability category under the Individuals with Disabilities Education Act (IDEA). A student with a most significant cognitive disability is a student who meets all the criteria in Part B of the tool. Students are eligible to participate in the alternate assessment if they meet all the criteria is sections A through D of the tool.

   The reauthorization of the Individuals with Disabilities Education Act (IDEA) of 1997 Sec 612(a)(17)(A) first required alternate assessments to be developed. This act defined alternate assessments as being for students "who cannot participate in State and district-wide assessment programs." The term "students with the most significant cognitive disabilities" was not used until proposed regulations for the No Child Left Behind Act Sec. 200.3(c) (Federal Register, 2002, p. 51005), released in summer of 2002, introduced the idea of different achievement standards for students with the most significant cognitive disabilities.

   The No Child Left Behind Act Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities: Non-Regulatory Guidance of 2005 (pg. 23) provides an explanation for students with the most significant cognitive disabilities. It states:

   ***Who is eligible to participate in alternate assessments based on alternate achievement standards?***

*Only students with the most significant cognitive disabilities may be assessed based on alternate achievement standards. The regulation does not create a new category of disability. Rather, the Department intended the term "students with the most significant cognitive disabilities" to include that small number of students who are (1) within one or more of the existing categories of disability under the IDEA (e.g., autism, multiple disabilities, traumatic brain injury, etc.); and (2) whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with the very best instruction.*

The Every Student Succeeds Act §200.6 expands on the idea of students with the most significant cognitive disabilities.

(d) *State guidelines for students with the most significant cognitive disabilities.* If a State adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards, the State must—

(1) Establish, consistent with section 612(a)(16)(C) of the IDEA, and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards. Such guidelines must include a State definition of "students with the most significant cognitive disabilities" that addresses factors related to cognitive functioning and adaptive behavior, such that—

(i) The identification of a student as having a particular disability as defined in the IDEA or as an English learner does not determine whether a student is a student with the most significant cognitive disabilities;

(ii) A student with the most significant cognitive disabilities is not identified solely on the basis of the student's previous low academic achievement, or the student's previous need for accommodations to participate in general State or districtwide assessments; and

(iii) A student is identified as having the most significant cognitive disabilities because the student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.

3. **Why can't a student identified with a specific learning disability or a speech or language impairment (only) qualify for participation in the alternate assessment?**
A student with a specific learning disability by definition does not have an intellectual component to his or her disability and therefore cannot be a student with a most significant cognitive disability. The definition of specific learning disability reads, "Specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, intellectual disability, emotional disturbance, or environmental, cultural or economic disadvantage."

A speech or language impairment is a communicative disorder that impacts a student's learning. It also does not have an intellectual aspect.

4. **Why are the Individuals with Disabilities Education Act (IDEA) categories, Deafness/Hearing Impairment, Emotional Disturbance, Orthopedic Impairment, Other Health Impaired, and Visual Impairment in the middle column on the tool?**
Students identified with these disability categories will very rarely be students with most significant cognitive disabilities and therefore very rarely qualify for the alternate assessment. However, there may be situations when the IEP team identifies a student as having one of these disability types even

though the student is a student with a most significant cognitive disability. This should be a very rare occurrence. If a student's cognitive disability is so significant the student would qualify for the alternate assessment, then the disability would not be the student's identified disability type. For example, if a student has a visual impairment and has a most significant cognitive disability, then multiple disability likely would be a more appropriate designation.

5. **Why are the Individuals with Disabilities Education Act (IDEA) categories, Autism, Deaf-Blindness, Intellectual Disability, Multiple Disabilities and Traumatic Brain Injury bolded in the tool?**
Students identified in these five categories likely have significant cognitive disabilities. However, even within these five categories, not all students will have ***most*** significant cognitive disabilities and qualify for the alternate assessment.

**Part B – Determining Most Significant Cognitive Disability**

6. **Why doesn't the decision-making tool use IQ as a determining criterion?**
We know today that IQ is not fixed. In a day and age where growth mindset and presumed competence are promoted, the use of these kinds of labels and markers for learners seems counterproductive and discriminatory.

As Dr. Martha Snell from the University of Virginia pointed out in an interview about the 2010 American Association on Intellectual and Developmental Disabilities Definition Manual, "It has been 17 years since we began the shift in focus to supports and away from deficiencies." She continued, "If you provide an individual with the supports that they actually need to achieve valued outcomes, the focus is on what they can learn and what they can do rather than on numbers of IQ points and what an individual cannot achieve."

7. **In the Conceptual Domain of this section, why were the following statements included in their associated columns:**
   - **"The student may have been referred for an initial evaluation during elementary school due to academic difficulties" (column 2);**
   - **"The student may have been referred for an evaluation in preschool or kindergarten based on developmental differences" (column 3); and**
   - **"The student was most likely identified with developmental delays as an infant or toddler and received early intervention services through the Help-Me-Grow/ Birth-to-3 programs" (column 4)?**
While not always true, students with the most significant cognitive disabilities commonly are identified and begin to receive services at a very early age. This progression of evaluations reflects the typical timelines students with varying degrees of disability are first identified and served.

8. **Why must a student's characteristics fall into column 4 of all three adaptive behavior domains to be eligible?**
Students who have the most significant cognitive disabilities will have very significant deficits in all adaptive behavior domains. Only the descriptors in column 4 describe these very significant deficits.

9. **Does the student's cultural and socioeconomic context matter when determining placement in a column for adaptive behavior?**

Yes. When determining limitations in adaptive behavior for students, teams should be careful to separate intellectual disabilities from external factors that are not related to students' cognitive functioning.

For example, in some scenarios, due to a student's home situation, the student may not have good hygiene, but this is not related to the student's intellectual level. The student may not have been taught or had access to resources for hygiene or good personal hygiene might not have been viewed as a cultural priority (as the student's parents, family and/or friends may be similar).

10. **What does presume competence mean?**
In 2005, Cheryl Jorgensen published an article titled The Least Dangerous Assumption: A Challenge to Create a New Paradigm. In this article, she quoted another respected researcher in special education, Anne Donnellan, who in 1984 wrote, "the criterion of least dangerous assumption holds that in the absence of conclusive data, educational decisions ought to be based on assumptions which, if incorrect, will have the least dangerous effect on the likelihood that students will be able to function independently as adults." She went on, "we should assume that poor performance is due to instructional inadequacy rather than to student deficits." Thus, Dr. Jorgensen argued that presuming competence when addressing students with significant cognitive disabilities is the least dangerous thing to do because to do otherwise is more likely to result in harm through fewer educational opportunities, inferior literacy instruction, a segregated education, and fewer choices as an adult.

In the decision-making tool, presuming competence means that in the absence of a clear choice between two columns, it is more beneficial to the student to assume the student can do more rather than less.

**Part C** - **Determining if the student requires extensive direct individualized instruction aligned to Ohio's Learning Standards – Extended and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.**

11. **What does building the base skills zone mean?**
Building the base skills zone is a section of the learning progressions that provides a list of individual skills or knowledge that lead up to or are part of the extended and general standards.

12. **What does engagement skills zone mean?**
The engagement skills zone is a section of the learning progressions that provides descriptions of engagement skills linked to grade-level learning.

13. **Do all students who qualify for the alternate assessment really have assistive technology needs?**
Yes. Given there are more than 10 domains of assistive technology, nearly all students with disabilities will have some assistive technology needs. Students with the most significant cognitive disabilities always will need some type of assistive technology because of the pervasiveness and severity of their disabilities that can impact access to communication, motor skills, mobility, seating/positioning, literacy, mathematics, executive functioning, vision, hearing, etc.

14. **Is a formal assistive technology evaluation required for a student to have assistive technology?**
No. An assistive technology evaluation is best practice in determining the feature match between a student's strengths and needs and features of assistive technology tools. This research, trial, data collection and evaluation process ensures a better match before money is spent on purchasing assistive technology.

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Assistive technology should be considered for every student with an IEP. Consideration goes beyond simply checking "yes" or "no" on the IEP but is a careful and thoughtful discussion that focuses on the student's needs and abilities, environments, tasks and how the student might be supported by assistive technology. The results of the assistive technology consideration discussion may indicate the need for a more in depth assistive technology assessment.

15. **Are "low-tech" solutions still considered assistive technology?**
Yes. Low-tech assistive technology most often is defined as a tool or device where no battery or electricity is required to operate it. Students with disabilities can benefit from a broad spectrum of low-tech assistive technology tools.

16. **What does it mean to feature match assistive technology?**
Feature matching is a decision-making process by which IEP or Assistive Technology teams match a student's strengths and needs to assistive technology features.

17. **Why does Part C allow a student to meet the criteria to participate in the alternate assessment if the student's characteristics are in columns 3 or 4, while in Part B, the student characteristics must all be in column 4?**
Students who have the most significant cognitive disabilities will have very significant deficits in all adaptive behavior domains. Only the descriptors in column 4 describe these very significant deficits. However, students with the most significant cognitive disabilities can have varying levels of instructional needs that exceed the least complex level (column 4 only).

## Part D – Additional Considerations

18. **Why does this document start by reviewing the disability category when the first bullet in this section says participation determination isn't made based solely on disability category or label?**
Students with severe learning disabilities, by definition, cannot have cognitive disabilities and therefore cannot participate in the alternate assessment. Students with speech impairment only also will never qualify. Students identified in categories marked as proceed with caution rarely will qualify since these students do not typically have cognitive disabilities significant enough to qualify for alternate assessment participation. If they do have most significant cognitive disabilities, they should be identified with a different category. For example, if a student is blind and meets the criteria for participation in the alternate assessment, a more appropriate category is multiple disability.

When the tool states participation determination is not made based solely on disability category or label, this means a team should not make the decision for a student to participate in the alternate assessment because of the student's identified disability category without going through all parts of the tool. There is no disability category in which all students identified with that disability will qualify.

## General Questions

19. **Does the decision-making tool need to be completed every year? Does it need to be signed and kept in the student's file or attached to the IEP?**
IEP teams must review the decision-making tool at least annually if participation in the alternate assessment is being considered and at each IEP meeting where participation in the alternate assessment is discussed. All members of the IEP team listed on the tool must sign the tool. Attach the completed form to the student's IEP.

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**20. Does there have to be data to support each decision-making point?**

Yes. For all parts of the decision-making tool, decisions must be data driven. Exactly what data evidence is used depends on what is being considered. Examples of data include results from formative assessments, data from evidence-based interventions, information from multiple sections of the IEP, assistive technology assessment data, learner profile or cumulative folder data documenting supports and services, and more.

**21. What does the team do when it is having difficulty in determining which column to select?**

Go back to the data to review current evidence. It may be necessary to collect additional information. In the absence of additional data, presume competence and select the column that represents the present evidence.

When considering which column best describes a student, the team should take a holistic approach to the student's characteristics. Do not tally the number of characteristics in each column to make a decision, rather consider which column overall best represents the student.

**22. What should the IEP team do if the student has taken the alternate assessment in previous years but the team determines the student no longer is eligible to participate in the alternate assessment?**

Sometimes IEP teams determine that a student who previously participated in the alternate assessment no longer qualifies. If a student does not qualify for the alternate assessment, the team should switch the student to the general assessment, most likely with accommodations. The team also should consider other elements of the student's program, such as whether the student requires new or additional assistive technology and whether the student should be moved to a more inclusive setting. Instructional practices and support services should be considered that may allow the student to make progress in the general education curriculum. Teams should continue to hold high expectations for all students with disabilities and focus on each student's individual strengths, understanding that all students with disabilities first and foremost are general education students.

**23. After the IEP team completed the decision-making tool, the student does not qualify for participation in the alternate assessment. However, the team believes the student is unable to take the general assessments and show what the student knows and can do. Can the student still take the alternate assessment?**

No. Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment.

**24. In our school, students in our self-contained classrooms for students with intellectual disabilities take the alternate assessment. Do the IEP teams of these students have to use the decision-making tool to determine if each of these students qualify for participation in the alternate assessment?**

Yes. Participation in the alternate assessment is an IEP team decision for each individual student. Where a student is placed is not a criterion for participation in the alternate assessment. Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment.

**25. The IEP team feels the student it is considering for alternate assessment will not perform well on the general assessments and this will impact the school and district report cards and reflect poorly in teacher evaluations. Since the district has less than 1% of the total student population participating in the alternate assessment, is it okay to include additional students who do not**

**meet all criteria for alternate assessment participation to the alternate assessment until the district reaches the 1% threshold?**

Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment. Some districts will have less than 1% participation in the alternate assessment. Districts and schools should not try to maximize their 1% threshold to improve school and district report cards or teacher evaluations. Student participation in the alternate assessment must not be based on anticipated negative impact on school or district report cards or teacher evaluations.

26. **The IEP team is considering a student for participation in the alternate assessment. This student "melts down" when confronted with difficult tasks, such as taking the general assessments. The student does not meet all the criteria for participation in the alternate assessment, but the team feels it would be better for the student emotionally. May the student take the alternate assessment?**

Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment. If a student does not meet all criteria for participation in the alternate assessment but struggles taking the general assessments, it is imperative the IEP team consider all available testing accessibility features. For a student who gets frustrated easily during testing, the team may consider features such as one-on-one test administration, a familiar test administrator, music, white noise or ear plugs, the time of day the student will test, taking frequent breaks and the location the student will test. The student also may benefit from assistive technology and frequent opportunities to practice test taking.

27. **The student does not qualify for the alternate assessment according to the decision-making tool, but the IEP team feels the needs of the child should supersede the decision-making tool and taking the alternate assessment still is the best option for the student. Does this tool supersede the IEP team's decision-making process?**

No. The decision-making tool provides the necessary information IEP teams must use to make the appropriate determination. The Every Student Succeeds Act §200.6 requires states establish, consistent with section 612 of the IDEA, and monitor implementation of clear and appropriate guidelines for Individualized Educational Program teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards. It is the role of the IEP team to determine if a student meets the guidelines for participation. Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment.

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